

MAY 04 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Pradeep K. Subrahmanyam et al.		
Serial No.:	09/893,194	Examiner:	A. Cao
Filed:	June 27, 2001	Group Art Unit:	2652
Title:	Moving Magnet Voice Coil Motor Using Halbach Arrays		
Docket:	STL9842		

Attn: Director, Group 2600  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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May 4 2004  
Date

## PETITION TO WITHDRAW FINALITY OF OFFICE ACTION

1. A non-final Office action was mailed to Petitioner on March 7, 2003 in which claims 1-15 and 18-27 were rejected over U.S. Patent 6,046,889 to Berding (hereinafter "Berding"), and claims 16 and 17 were indicated as including allowable subject matter.
2. In a response faxed to the PTO on June 9, 2003, Petitioner amended claims 9, 19 and 24-27 to correct minor grammatical problems as well as to more clearly define these claims. The scopes of these claims were neither narrowed nor broadened.
3. An Office action was mailed to Petitioner on October 2, 2003 in which claims 1-27 were made subject to a somewhat belated restriction requirement between Group I (Claims 1-8 and 19-27), drawn to "actuator assembly for a disc drive," and Group II (Claims 9-18), an "information handling system."
4. In a response faxed to the PTO on December 10, 2003, Petitioner properly elected Group II (Claims 9-18) without traverse. Claims 1-8 and 19-27 were broadened by amendment to refer to an "information handling system" rather than a "disc drive." Claims 27-30 were newly added. Claims 9-18 were not amended.
5. An Office action was mailed to Petitioner on February 18, 2004 in which the Examiner agreed to examine all pending claims. Claims 1-15 and 17-20 were newly rejected under U.S. Patent 5,016,131 to Riggle (hereinafter "Riggle"), and all previous rejections over Berding were withdrawn. Claim 16 was indicated to include allowable subject matter. The rejection was made final on grounds that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action."
6. Petitioner submits that the February 18 Office action was made final prematurely for the following reasons:
  - (a) The Examiner newly rejected claims 9-15 and 18 over Riggle. Claims 9-15 and 18 have never been amended in any substantial way throughout the history of this application. As such, the Examiner's contention that the new rejection of these claims was necessitated by amendment is clearly unsupported by the facts.
  - (b) The Examiner newly rejected claim 17 over Riggle. This claim was previously indicated to include allowable subject matter, and has never been amended. As such, the Examiner's contention that the new rejection of this claim was necessitated by amendment is clearly unsupported by the facts.

- (c) The December 10 amendment did broaden claims 1-8 and 19-27 to refer to an "information handling device," a broad category which comprises a number of devices that includes "disc drives." Both Berding and Riggle, as applied by the Examiner, explicitly disclose motors used in disc drives. For this reason, the amendment in no way precluded the application of Berding in a ground of rejection, nor did it in any way facilitate the application of Riggle in a ground of rejection. As such, it is clear that the amendment of claims 1-8 and 19-27 had no effect whatsoever upon the applicability of either Berding or Riggle to these claims, and therefore cannot reasonably be construed as having necessitated the new ground of rejection of these claims.
7. In a response faxed to the PTO on April 10, 2004, Petitioner amended claims 1-9 in view of the new ground of rejection over Riggle. In the same response, Petitioner requested that the finality of the February 18 Office action be withdrawn for the reasons set forth above, and that the amendment be entered and fully considered.
  8. An Advisory action was mailed to Petitioner on April 27, 2004 in which the Examiner unreasonably refused to withdraw finality of the February 18 Office action and further refused to enter of the April 10 amendment.
  9. For reasons set forth above, Petitioner respectfully requests that the Examiner be directed to withdraw finality of the February 18 Office action, and that the Examiner further be directed to enter and fully consider Petitioner's April 10 amendment.
  10. The fee for this petition as set forth in 37 C.F.R. 1.17(h) is \$130.00.

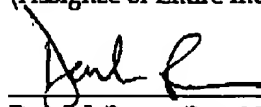
Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 19-1038.

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Respectfully submitted,

SEAGATE TECHNOLOGY LLC  
(Assignee of Entire Interest)

May 4, 2004  
Date

  
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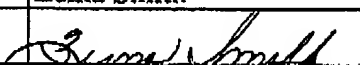
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/893,194	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>MAY 04 2004</b> <b>OFFICIAL</b>
	Filing Date	June 27, 2001	
	First Named Inventor	Pradeep Kumar Subrahmanyam	
	Art Unit	2652	
	Examiner Name	A. Cao	
Total Number of Pages in This Submission	3	Attorney Docket Number	STL9842

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Derek J. Berger, Reg. No. 45,401 Seagate Technology LLC
Signature	
Date	May 4, 2005

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